

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

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EDWARD A. McCARTHY, )  
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                          )  
                          )  
                          )  
Plaintiff,            )  
                          )  
                          )  
v.                     ) CIVIL ACTION  
                          )  
McLANE COMPANY, INC. and ) NO.: 04-10335-RWZ  
CONSTRUCTION MANAGEMENT )  
TECHNOLOGY,            )  
                          )  
                          )  
Defendants.            )  
                          )

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**AFFIDAVIT OF WESLEY S. CHUSED IN SUPPORT OF  
ASSENTED-TO MOTION OF DEFENDANT McLANE COMPANY, INC.  
TO CONTINUE SCHEDULING CONFERENCE**

Commonwealth of Massachusetts      }  
County of Suffolk                    } ss.

Wesley S. Chused, upon oath, deposes and states as follows:

1.       My name is Wesley S. Chused and I am attorney for defendant McLane Company, Inc. (“McLane”) in this action.
2.       I submit this Affidavit in support of McLane’s Assented-To Motion to Continue the Scheduling Conference in this case to a date subsequent to March 24, 2004, due to scheduling conflicts on my part, as described below.
3.       On March 2, 2004, I received this Court’s Notice of Scheduling Conference indicating that a scheduling conference will be held in this case at 2:30 p.m. on March 24, 2004. However, I have a conflict on that date because I am attending and speaking on a panel at the annual meeting of the Transportation Loss Prevention & Security Association in Orlando, Florida from March 20 through 24, 2004.

4. In addition, I have the following scheduling conflicts and commitments subsequent to March 24, 2004:

- a. On March 31-April 2, 2004 I will be attending the Defense Research Institute's Trucking Law Seminar in St. Louis, Missouri;
- b. On April 5-8, 2004 I am tentatively scheduled to commence trial in the case of *King v. Ovo v. Arpin*, in the Providence County Superior Court, Providence, Rhode Island;
- c. On June 1-5, 2004 I will be attending the annual meeting of the Transportation Lawyers Association in Florida; and
- d. On June 28 and 29, 2004 I will be attending the annual meeting of the Conference of Freight Counsel in Williamsburg, Virginia.

5. Also, the plaintiff's lawyer, George A. Malliaros, informed me yesterday that he has scheduling conflicts on March 31, 2004, April 8 and 13, 2004 and on May 13, 2004.

6. Mr. Malliaros also informed me that, as of yesterday, he had not yet received a response to the Complaint by defendant Construction Management Technology.

7. Under the circumstances, I respectfully request that the Court continue the Scheduling Conference in this case to another non-conflicting date that is mutually convenient for the Court and all parties.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2004.

/s/  
Wesley S. Chused